

REMARKS

In the Office Action, the Examiner rejected claims 1, 5-11, 13-22, 26-32, 34-43 and 47-61. By the present Response, Applicant amends claims 1, 11, 12, 14, 22, 32, 35, 43 and 52, and cancels claims 10 and 31. The present amendments do not add any new matter. Upon entry of these amendments, claims 1, 5-9, 11-22, 26-30, 32-43 and 47-61 will be pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 5-9, 14-20, 22, 26-32, 35-41, 43 and 47-61 under 35 U.S.C. § 102(b) as being anticipated by Gano, U.S. Patent No. 5,507,346 (hereafter referred to as “the Gano reference”). Additionally, the Examiner rejected claims 1, 6, 8, 9, 22, 27, 29, 30, 43, 48, 50 and 51 under 35 U.S.C. § 102(b) as being anticipated by Bol, U.S. Patent No. 4,716,965 (hereafter referred to as “the Bol reference”). The Applicant respectfully traverses these rejections.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir.1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir.1990). Thus, if the claims contain even one recitation not found in the cited reference, the reference does not anticipate the claimed subject matter.

Deficiencies of the Gano Reference

Applicant asserts that the Gano reference fails to disclose all of the recited features of amended independent claims 1, 14, 22, 35, 43 and 52. Specifically, for example, Applicant asserts that the Gano reference fails to teach a sleeve of a casing with a “casing *coating*” of “stress-absorbing material” that “*covers a circumferential area of the sleeve along a length of the sleeve,*” as recited in claims 1, 14, 22, 35, 43 and 52. (Emphasis added.)

In contrast to the present claim features, the Gano reference merely teaches a “composite outer structure 38 that is comprised of a plurality of overlapping, composite band-like plies arranged in a plurality of *opposed helices* 40, 42.” *See* Gano et al., col. 8, lines 22-26 (emphasis added). Rather than forming a coating that “covers a circumferential area of the sleeve along a length of the sleeve,” as recited by the present claims, the opposed helices 40, 42 merely form a “*gridwork* helical pattern.” *See* Gano et al., col. 8, lines 22-37 (emphasis added). Applicant stresses that the gridwork helical pattern of the Gano reference leaves exposed areas along any length of the casing 12 on which the outer structure 38 is applied. Indeed, this is clearly illustrated by Figure 2 of the Gano reference. Accordingly, Applicant asserts that the composite outer structure 38 of the Gano reference is clearly not equivalent to a coating that *covers a circumferential area along a length of the sleeve*, as presently recited. Thus, Applicant asserts that the Gano reference fails to anticipate amended independent claims 1, 14, 22, 35, 43 and 52.

Further, the Applicant maintains that the Gano reference does not teach a “casing *coating*,” as recited in claims 1, 14, 22, 35, 43 and 52. (Emphasis added.) Rather, the Gano reference merely teaches that the helical patterns are formed on the outer surface 32 of the composite liner 26 by applying epoxy resin to a band of fiberglass, cloth tape, or filament that is applied on the outer surface of the composite liner. *See* Gano et al., col. 10, lines 51-54. In other words, it appears that the Gano reference merely teaches that the epoxy resin is essentially taped onto the composite liner 26. Applicant asserts that one of ordinary skill in the art would not consider this a “casing *coating*,” as recited in claims 1, 14, 22, 35, 43, and 52. (Emphasis added.) Indeed, Applicant stresses that equating the presently recited casing *coating* with epoxy resin coupled to a casing via bands of fiberglass or tape, as taught by the Gano reference, is similar to arguing that a picture hung on a wall is a wall coating. Thus, Applicant again asserts that the Gano reference fails to anticipate amended independent claims 1, 14, 22, 35, 43 and 52.

Deficiencies of the Bol Reference

Applicant also asserts that the Bol reference fails to disclose all of the recited features of amended independent claims 1, 22 and 43. Specifically, for example, Applicant asserts

that the Bol reference fails to teach “a collar connected to an end of the sleeve, the collar comprising the stress-absorbing material,” as recited in claims 1, 22 and 43.

In contrast to present embodiments, the Bol reference is directed to providing a fluid tight seal between well casing and a surrounding cement body by bonding sheaths of polyurethane foam and polyethylene foam to an outer surface of casing. *See* Bol et al., col. 1, line 55 – col. 2, line 36. Applicant asserts that the Bol reference is completely devoid of any teachings relating to the present recitation of “a collar connected to an end of the sleeve, the collar comprising the stress-absorbing material,” as set forth in claims 1, 22 and 43. Indeed, Applicant believes that the Bol reference fails to even mention a *collar*; much less does the Bol reference teach a “collar comprising the stress-absorbing material,” as presently recited. Thus, the Bol reference cannot anticipate the present claims 1, 22 and 43.

In view of the arguments and amendments set forth above, Applicant requests that the Examiner withdraw rejections under 35 U.S.C. § 102 of independent claims 1, 14, 22, 35, 43 and 52, and the claims depending therefrom. Further, Applicant request that the Examiner provide an indication of allowance for independent claims 1, 14, 22, 35, 43 and 52, and the claims depending therefrom.

Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 5, 26 and 47 under U.S.C. § 103(a) as being unpatentable over the Bol reference in view of the Gano reference. Additionally, the Examiner rejected claims 10, 11, 13, 21, 34 and 42 under 35 U.S.C. § 103(a) as being unpatentable over the Gano reference. The Applicant respectfully traverses these rejections.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by modifying the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the modification. M.P.E.P. § 2142. Accordingly, to establish a *prima facie* case, the Examiner must not only show that the prior art reference includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been

obvious in light of the teachings of the prior art. *Id*; see also *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

In the Examiner's rejections under 35 U.S.C. § 103, the Examiner relied on the Bol and Gano references for their alleged teachings of features recited in the independent claims, as set forth in the Examiner's rejections under 35 U.S.C. § 102. However, as discussed above, the Bol and Gano references fail teach all of the features of the presently amended independent claims. Further, the Applicant asserts that the hypothetical combinations and modifications suggested by the Examiner in the Examiner's rejections under 35 U.S.C. § 103 do not remedy the deficiencies of the Bol and Gano references with respect to the present independent claims. Indeed, in the Examiner's rejections under 35 U.S.C. § 103, the Examiner did not even attempt to address the distinctions discussed above with respect to the present independent claims. Accordingly, Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented.

In view of the arguments presented above, it is believed that all of the pending independent claims are allowable in their present form over the cited references. It is also believed that all of the claims depending from these claims are patentable both for the subject matter they separately recite, as well as by virtue of their dependency from an allowable base claim. Accordingly, Applicant requests that the Examiner withdraw the rejections under 35 U.S.C. § 103. Further, Applicant requests that the Examiner provide an indication of allowance for all pending claims.

Request for Rejoinder of Withdrawn Claims

Withdrawn claims 12 and 33 depend from claims 1 and 22, respectively. Accordingly, once the Examiner determines that independent claims 1 and 22 are allowable, Applicant requests rejoinder of claims 12 and 33, including examination of the formerly nonelected species on the merits. In addition, because independent claims 1 and 22 are in condition for allowance for the reasons stated above, Applicant respectfully submits that claims 12 and 33 are also in condition for allowance. Therefore, Applicant requests that the Examiner provide an indication of allowance for claims 12 and 33.

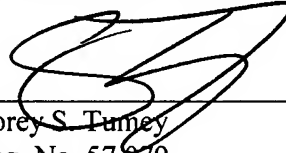
Payment of Fees and Authorization for Extensions of Time

Applicant does not believe any fees are due at this time. If any fees, including fees for extensions of time and other reasons, are deemed necessary to advance prosecution of the present application, at this or any other time, Applicant hereby authorizes the Commissioner to charge such requisite fees to Deposit Account No. 06-1315; Order No. HLBT:0019. In accordance with 37 C.F.R. § 1.136, Applicant hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof.

Conclusion

Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Respectfully submitted,



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